

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN PAUL THOMAS,

Petitioner,

v.

CV 09-1009 WJ/LAM

GEORGE TAPIA,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's *Amended [Petition for Writ of Habeas Corpus Under] 28 U.S.C. Section 2254 (Doc. 19)*, and the Court having determined that the petition may not be subject to summary dismissal,

IT IS THEREFORE ORDERED that Respondent answer said amended petition **within thirty (30) days from the date of service of this Order**. Respondent's answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event

Respondent denies exhaustion, Respondent shall identify the State procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

IT IS FURTHER ORDERED that until such time as Petitioner may be represented by counsel the Clerk shall forward to Petitioner a copy of this Order and any subsequent orders, pleadings and supporting papers filed in this proceeding.

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE